

Notice of Allowability

Application No.

10/774,314

Examiner

Anatoly Vortman

Applicant(s)

NOVOTNY, SHLOMO

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief of 07/26/07.
2. ☒ The allowed claim(s) is/are 1-6,9-21 and 23-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

/Anatoly Vortman/
Primary Examiner
AU 2835

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Applicant's arguments presented in the Appeal Brief of 07/26/07 have been found persuasive, at least in part, because Examiner has found convincing the following lines of reasoning: "As set out in Patel, one fan and heat exchanger are located at the top of the enclosure and one located at the bottom, and the arrows depicted in the drawings illustrated separate air flows to and from the fans and exchangers. See, e.g., Patel Figs. 1 and 2. Accordingly, it would appear that the systems act in concert rather than redundantly. Since Patel is particularly addressing the problems of cooling components within the enclosure rather than addressing the problems when one system fails, one would reasonably conclude that the systems of Patel are in fact cooperative and not redundant" (p. 9 of the Appeal Brief), and "In the final Office action, it is argued that the presence of a heat exchangers is irrelevant to the instant situation since the teaching of multiple layers is used to augment the heat transfer rate. See final Office action, page 18. We disagree. The presence of the heat exchangers goes to the problem being solved by Fitch, and whether it's proper to combine Patel, O'Grady and Fitch to arrive at the claimed invention. Since Fitch simply does not involve any problems with the failure of a cooling system, and how to allow time to orderly shut down the components, it is relevant to question of motivation and we believe in fact provides further evidence that there is insufficient motivation to combine Patel, O'Grady, and Fitch to arrive at the claimed invention" (p.10 of the Appeal Brief).

In view of the above, the outstanding rejection of claims is hereby withdrawn and claims allowed. The allowability resides in the overall structure of the device as recited in apparatus

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claims 1 and 26, and at least in part, because claim 1 recites, *inter alia*: “a plurality of phase change material layers disposed upon the interior surface, at least one of the layers exposed to the airflow within the enclosure generated by the fan for absorbing heat from the airflow upon a failure associated with the heat exchanger, a first phase change material layers having a phase change temperature different from a second of the phase change material layers”; and claim 26 recites, *inter alia*: “a phase change material at least partially comprising a hydrated salt and positioned within the enclosure in the airflow generated by the means for generating an airflow across the one or more electronic components, the phase change material for absorbing heat from the airflow upon a failure in the cooling means”. Further, the allowability resides in the overall method as recited in method claim 15, and at least in part, because claim 15 recites, *inter alia*: “cooling the airflow using a plurality of layers of phase change material upon a failure in the cooling element, the phase change material positioned on an interior surface of the enclosure and exposed to the airflow within the enclosure generated by the fan”.

The aforementioned limitations in combination with all remaining limitations of said claims 1, 15, and 26, are believed to render said claims and all claims dependent therefrom patentable over the art of record.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Thursday, between 10:00 am and 8:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jayprakash Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anatoly Vortman/
Primary Examiner
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